

Introduced by Senator Hollingsworth

February 22, 2007

An act to amend Section 667.17 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 479, as introduced, Hollingsworth. Sentence enhancements.

Under existing law, any person who commits the crime of impersonating a peace officer during the commission of a felony shall receive an additional one-year term of imprisonment, to be imposed consecutively to the underlying term for the felony, and in lieu of the term for the impersonation offense.

This bill would create a 5-year sentence enhancement for a person who commits the crime of impersonating a peace officer during the commission of any of several specified sex offenses, to be imposed consecutively to the term for the underlying felony, and in lieu of the term for the impersonation offense.

Existing law contains sentence enhancements for persons convicted of enumerated felonies.

This bill would establish a 2-year sentence enhancement for a peace officer who, in uniform, acting under color of law, is convicted of one of various crimes, including specified sex offenses to be imposed consecutively to the term imposed for the felony. Because this bill would create new enhancements, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 667.17 of the Penal Code is amended to
2 read:
3 667.17. (a) Any person who violates the provisions of Section
4 538d during the commission of a felony shall receive an additional
5 one-year term of imprisonment to be imposed consecutive to the
6 term imposed for the felony, in lieu of the penalty that would have
7 been imposed under Section 538d.
8 (b) *Notwithstanding subdivision (a), any person who violates*
9 *the provisions of Section 538d during the commission or attempted*
10 *commission of a felony violation of Section 207, 209, 220, 243.4,*
11 *261, 264.1, 286, 288, 288a, 288.5, or 289 shall receive an*
12 *additional five-year term of imprisonment, to be imposed*
13 *consecutive to the term imposed for the felony, in lieu of the penalty*
14 *that would have been imposed under Section 538d.*
15 (c) *Notwithstanding subdivision (a) or (b), any peace officer*
16 *who, in uniform, acting under color of law, violates Section 207,*
17 *209, 220, 243.4, 261, 264.1, 286, 288, 288a, 288.5, or 289 shall*
18 *receive an additional two-year term of imprisonment, to be imposed*
19 *consecutive to the term imposed for the felony.*
20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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